THE MANITOBA HUMAN RIGHTS COMMISSION
LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

connections

Equality of Opportunity and Freedom from Discrimination

Experience Sight Unseen

by Heather Unger, Legal Counsel

"Perhaps only in a world of the blind will things be what they truly are."
– José Saramago, *Blindness*

The world's most accomplished photographers with visual impairments are displaying their work at *Sight Unseen*, an exhibition hosted by the Canadian Museum for Human Rights (CMHR) from February 20 to September 18, 2016.

New technology that creates three-dimensional, tactile versions of photographs is a unique aspect of Sight Unseen at the CMHR. (Aaron Cohen/CMHR)

The exhibition explores the idea that people with visual impairments can see in ways that sighted people cannot. For the photographers, photographs can give a glimpse into their inner world, capture the outside world free of the censorship of sighted photography, or operate in the gap between the limitations of physical sight and the desire for images. The photographs demonstrate that photographers with visual impairments can lay claim to the visual world, and somehow render people with visual disabilities more 'visible' to the sighted.

The exhibition introduces the idea that perhaps all images in society should be made accessible to visually impaired members of society. This is food for thought, as the private and public sectors consider how best to accommodate special needs related to disability, and as they work to implement the mandatory accessibility standards that Manitoba has recently introduced in *The Accessibility for Manitobans Act*.

Commission Completes Training in Thompson

The Commission returned to Thompson in early February to complete the final two seminars in its series of human rights seminars. All four seminars that were delivered in Thompson were received well by the many who attended. Human Rights seminars will be delivered in Winnipeg in April. Limited seats are available, register online. www.manitobahumanrights.ca/workshops.html

"These training courses were some of the best Human Resources training I've received to date."

The Rights Connection

By Isha Khan

– A/Executive Director & Legal Counsel

The Commission was pleased to be involved in the successful resolution of a complaint filed by Elizabeth Burgos against the River East Transcona School Division. Ms Burgos alleged that the Division had discriminated against her transgender, elementary school-aged daughter when she was refused access to the girls' washroom in her school. The parties jointly issued a media release in March which spurred much media attention around the rights of transgender persons in schools.

The resolution of the complaint involved the Division revising its Gender Identity Guidelines that are available to the school community and the public. The new Guidelines adopt a rights-based approach to gender inclusion and move the discussion from accommodating the needs of transgender persons to ensuring transgender persons have equal rights of access to facilities and programs. Public service providers like educational institutions usually already have policies and procedures in place to deal with discrimination, respectful conduct and bullying. The new Guidelines demonstrate that transgender issues in schools need not be overly complicated. Simply recognizing an equal right to access and programs combined with setting out a process to deal with specific accommodation requests, is the first step in bringing about the shift in thinking that will ensure equality of all persons in the school community.

The Commission is proud to celebrate successful resolutions such as the one reached by Ms Burgos and the Division. We will be looking for opportunities to continue to work with the public on transgender issues through our educational programs. We are currently making revisions to the Commission's (2010) Gender Identity Guidelines which will be available for the public in the next few months.

Did You Know?

- The Manitoba Human Rights Commission is an independent agency of the Government of Manitoba. It is responsible for administering *Manitoba's Human Rights Code* (*The Code*).
- The Commission accepts complaints alleging discrimination in the areas of employment, housing and services (such as governments, restaurants, or stores), as long as they are submitted within one year of the discrimination occurring.
- The discrimination must be based on specific grounds, known as protected characteristics in *The Code*. These grounds include ancestry, religion, age, sex (including pregnancy), sexual orientation, gender identity, and physical or mental disability.
- The Commission offers opportunities to try and resolve the complaint through mediation.
- If a complaint is not resolved through mediation, it is investigated. The investigator prepares a report that summarizes the investigator's findings and recommends whether there is enough evidence of discrimination to require a public adjudication hearing, or whether the complaint should be dismissed for lack of evidence. The investigation report is presented to the Board of Commissioners (the Board).
- If the Board finds that there is enough evidence of discrimination to require a public adjudication hearing, the Board will ask the Chief Adjudicator of the Human Rights Panel to appoint an adjudicator to conduct a hearing.
- Adjudicators are independent and are not Commission staff or on the Board of Commissioners.
- An adjudication hearing is similar to a court proceeding. The hearing is open to the public and the adjudicator's decision is also made public.
- At the hearing, the Commission's Legal Counsel represents the public's interest in eliminating discrimination. The Commission's Legal Counsel is required by *The Code* to present the complaint and arguing that the complainant has been discriminated against. The Complainant and the Respondent are entitled to hire their own lawyer but are not required to do so.

Commission recognizes International Day for the Elimination of Racial Discrimination

The eyes around the world were focused on a key issue on March 21, the 50th International Day for the Elimination of Racial Discrimination.

Set in place by a United Nations proclamation calling on the international community to increase efforts to eliminate all forms of racial inequality, this annual observance recalls the violent events of March 21, 1960. On that day, police opened fire and killed 69 people at a peaceful demonstration against apartheid, in Sharpeville, South Africa.

The Manitoba Human Rights Commission knows that people around the world and at home in Manitoba, still experience discrimination on a daily basis.

"Racial discrimination occurs in many different forms, some obvious and others quite subtle." says Board Commissioner Diane Dwarka. "On this day, it's important to reflect on the profound impact that discrimination and intolerance has on how we function as a society. It's also an opportunity to renew our commitment to facing this issue head-on, through open dialogue and education."

Earlier this year, the Commission began reaching out to Manitobans to look specifically at how it could break down barriers and defy stereotypes that result in discrimination against Indigenous peoples.

The Commission has already gathered information from those who have participated in its complaint process. Now, it is seeking guidance from Elders across the province about how best to undertake a broader, public consultation that is thoughtful, respectful and focused on objectives that it can deliver.

The aim is to gather information that will contribute to the Commission's work to eliminate racism and prejudice and will assist in educating Manitobans about their rights and responsibilities under *The Human Rights Code (Manitoba)*.

The Commission will continue to release information about the public consultation in the coming months.